



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Frederic Mikulec *et al.*

Art Unit : 1773

Serial No. : 09/625,861

Examiner : H. Le

Filed : July 26, 2000

JUN 11 2002

Title : TELLURIUM-CONTAINING NANOCRYSTALLINE MATERIALS

FISH and RICHARDSON P.C.
WASHINGTON, D.C.

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF MOUNGI BAWENDI UNDER 37 C.F.R. §1.132

I, Moungi Bawendi, declare:

1. I am a co-inventor of the subject matter described and claimed in the above-captioned patent application.

2. I am also an author of the subject matter claimed in patent application, Bawendi *et al.* WO 99/26299 A2 ("Bawendi '299") "Highly Luminescent Color-Selective Materials", which was published on May 27, 1999. Bawendi '299 was cited against the above-captioned Patent Application by the Examiner in the Office Action mailed on March 14, 2002.

3. The other co-authors of Bawendi '299 are Klavs Jensen, Bashir Dabbousi, Javier Rodriguez-Viejo and Frederic Victor Mikulec. Mikulec, Sungjee Kim and I prepared and tested tellurium-containing nanocrystalline materials claimed in the above-captioned Application. Jensen, Dabbousi and Rodriguez-Viejo, while co-inventors of the subject matter claimed in Bawendi '299, are not co-inventors of the subject matter claimed in the above-captioned Application. Unlike Mikulec, Kim and me, Jensen, Dabbousi and Rodriguez-Viejo were not involved with any discovery or development of the concepts with regard to a nanocrystallite including a nanocrystalline core including MTe (where M is Cd, Zn, Mg or Hg) and an overcoating of a semiconductor material on a surface of the core.

4. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: 6/10/02


Moungi Bawendi

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